

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YOSELIN PENA,

Plaintiff,

-v-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 8-4-15

No. 13-cv-7912 (RJS) (KNF)

ORDER ADOPTING
REPORT AND RECOMMENDATION

RICHARD J. SULLIVAN, District Judge:

Plaintiff Yoselin Pena brings this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) to appeal the final decision of the Social Security Commissioner (“Defendant” or “Commissioner”) denying her claims for Disability Insurance Benefits and Supplemental Security Income under the Social Security Act. (Doc. No. 2.) On November 22, 2013, the Court referred this matter to the Honorable Kevin Nathaniel Fox, Magistrate Judge, for a Report and Recommendation. (Doc. No. 7.) Thereafter, Defendant filed a motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). (Doc. No. 22.) Plaintiff has not opposed Defendant’s motion or filed a motion of her own, and has not otherwise made any filing in this action since its inception.

Now before the Court is Judge Fox’s Report and Recommendation, dated May 27, 2015 (the “Report”), recommending that Defendant’s motion be granted. (Doc. No. 24.) In the Report, Judge Fox informed the parties of the timeframe to file objections and advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). No party has filed objections, and the time to do so has expired.


The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When no objections to a report and recommendation are made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Boyd v. City of New York*, 12-cv-3385 (PAE) (JCF), 2013 WL 452313, *1 (S.D.N.Y. Feb. 6, 2013) (citation and internal quotation marks omitted); *see also Lang ex rel. Morgan v. Astrue*, 05-cv-7263 (KMK) (PED), 2009 WL 3747169, *1 (S.D.N.Y. Nov. 6, 2009) (“[W]here a party does not submit an objection, a district court need only satisfy itself that there is no clear error on the face of the record.”) (citation and internal quotation marks omitted).

Having reviewed Judge Fox’s Report and the underlying administrative record before the Social Security Administration, the Court finds that the reasoning and conclusions set forth therein are not facially or clearly erroneous. The Court agrees that the administrative law judge (the “ALJ”) properly applied the five-step sequential analysis called for by the Social Security Administration’s regulations, and that substantial evidence supported the ALJ’s conclusion that Plaintiff was not disabled during the relevant time period. Accordingly, the Court adopts the Report in its entirety.

IT IS HEREBY ORDERED that Defendant’s motion for judgment on the pleadings is GRANTED. The Clerk of the Court is respectfully directed to terminate the motion pending at docket entry number 21 and to close this case.

SO ORDERED.

DATED: August 4, 2015
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE